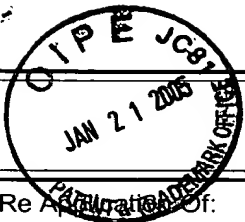


AF



TRANSMITTAL LETTER
(General - Patent Pending)

Docket No.
199-1255

In Re Application Of: **Krishna Murthy et al.**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
09/537,659	March 29, 2000	E. Garcia Otero	010534	2123	5957

Title: **METHOD OF INTEGRATING PRODUCT INFORMATION MANAGEMENT WITH VEHICLE DESIGN**

COMMISSIONER FOR PATENTS:

Transmitted herewith is:

Reply Brief (in triplicate).

in the above identified application.

- ☒ No additional fee is required.
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- ☐ Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

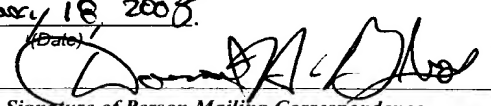

Signature

Dated: **January 18, 2005**

Daniel H. Bliss (Reg. No. 32,398) [0693.00199]
Bliss McGlynn, P.C.
2075 W. Big Beaver Road, Suite 600
Troy, Michigan 48084
(248) 649-6090

Record I.D. 81076184

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Daniel H. Bliss	
Typed or Printed Name of Person Mailing Correspondence	



THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Art Unit: 2123)
Examiner: E. Garcia Otero)
Applicant(s): Krishna Murthy et al.)
Serial No.: 09/537,659)
Filing Date: March 29, 2000)
For: METHOD OF INTEGRATING)
PRODUCT INFORMATION)
MANAGEMENT WITH VEHICLE)
DESIGN)

REPLY BRIEF

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

This Reply Brief is directed to points of argument raised in the Examiner's Answer dated November 18, 2004 for the above-identified application. As to procedural matters, on page 2, the Examiner states that the brief does not contain a statement identifying the related appeals and interferences which directly affect or be directly affected by or have a bearing on the decision in the pending appeal. Applicants, on page 1 of their Appeal Brief, specifically state that there are no related appeals or interferences regarding the present application. Attached is a copy of page 1 the Appeal Brief. As such, the Appeal Brief contains a statement identifying related appeals and interferences to which there are none.

As to substantive matters, on page 11 of the Examiner's Answer, the Examiner argues that, although Juran does not use the claim 1 term "selecting a vehicle program

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Daniel H. Bliss

requirement”, Juran does use the term “Best in Class” at page 465, and states “Ford selected those vital few features . . .” appear to disclose the claim 1 term “a vehicle program requirement”.

In addition, on page 12, the Examiner argues that, although the prior art terminology is not identical, one of ordinary skill in the art would interpret the prior art as disclosing all of the claimed limitations. Further, on page 12 of the Examiner’s Answer, the Examiner argues that it would have been obvious to a person of ordinary skill at the time of invention to use Tucker’s “Internet” to modify Juran’s quality methods in order to inexpensively store large amounts of data, and to allow instant and simultaneous access to the data from multiple computers (or “information portals”).

Applicants respectfully disagree with the Examiner as to the above arguments. As to the first argument, the Examiner argues that, although Juran does not use the claim 1 term “selecting a vehicle program requirement”, Juran does use term “Best in Class” at page 465, and states “Ford selected those vital few features . . .” appear to disclose the claim 1 term “a vehicle program requirement”. However, Juran merely discloses new steps for planning quality into goods and services in which a database is a body of information derived from prior cycles of activity, and organized to aid in the conduct of future cycles. In Juran, the steps include the use of a database, but do not include selecting a vehicle program requirement from a library. While Juran teaches the use of a database, Juran does not teach or suggest that a method of integrating product information management with vehicle design. Contrary to the Examiner’s opinion, Juran discloses that Figure 12-1 sets out the critical aspects of construction and use of databases, which is not the same or similar to a vehicle program requirement related to the design of a vehicle. There is no evidence establishing that features, which impact the senses of major customers, can be interpreted as a vehicle program requirement. Just because a vehicle customer or employee suggests a feature, it does not mean that this feature is a vehicle program requirement. There is

no factual basis in the reference relied upon which supports the Examiner's argument to conclude that Juran's quality feature discloses the claim 1 term "vehicle program requirement". Therefore, it is respectfully submitted that the Examiner has misinterpreted the Juran reference and the rejection under 35 U.S.C. § 103 is clearly wrong.

As to the second argument, the Examiner argues that, although the prior art terminology is not identical, one of ordinary skill in the art would interpret the prior art as disclosing all of the claimed limitations. Once again, there is no factual basis which supports the Examiner's argument. While Juran teaches the use of a database, Juran does not teach or suggest a method of integrating product information management with vehicle design. Contrary to the Examiner's opinion, page 409 of Juran discloses that Figure 12-1 sets out the critical aspects of construction and use of databases, which is not the same or similar to selecting an information database containing information related to the design of a vehicle, determining if the information from the information database correlates with the program requirement, or using the information from the information database in the design of the vehicle. First, the Examiner has not proffered any evidence establishing that the prior art terminology would be interpreted as disclosing all of the claimed limitations. Second, expedients which are functionally equivalent to each other are not necessarily obvious in view of one another. In re Scott, 323 F.2d 1016, 1019, 139 U.S.P.Q. 297, 299 (C.C.P.A. 1963). The Examiner's stated conclusion of obviousness is based on speculation, unfounded assumptions or hindsight reconstruction to supply deficiencies in the factual basis. The Examiner has not presented a prima facie case of obviousness. Therefore, it is respectfully submitted that the Examiner has misinterpreted the prior art and the rejection under 35 U.S.C. § 103 is clearly wrong.

As to the third argument, the Examiner argues that it would have been obvious to a person of ordinary skill at the time of invention to use Tucker's "Internet" to modify Juran's

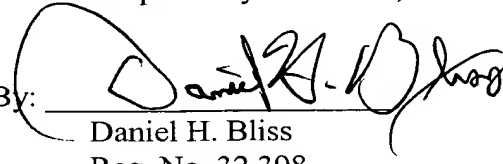
quality methods in order to inexpensively store large amounts of data, and to allow instant and simultaneous access to the data from multiple computers (or “information portals”). Once again, there is no factual basis in the references relied upon which supports the Examiner’s argument. Tucker merely discloses that the World Wide Web (WWW) is the fastest-growing protocol on the Internet. Juran merely discloses new steps for planning quality into goods and services in which a database is a body of information derived from prior cycles of activity, and organized to aid in the conduct of future cycles. Juran lacks the steps of selecting a vehicle program requirement from a library stored in a memory of a computer system, selecting an information database containing information related to the design of the vehicle from the library, determining if the information from the information database correlates with the program requirement, and using the information from the information database in the design of the vehicle. Juran further lacks the steps of selecting through the information portal additional information for determining if the information from the information database correlates with the program requirement, if the information from the information database does not correlate with the program requirement, determining if a portion of the information from the information database correlates with the program requirement based on the additional information, and using the portion of the information from the information database that correlates with the program requirement in the design of the vehicle.

A rejection based on 35 U.S.C. § 103 must rest on a factual basis, with the facts being interpreted without hindsight reconstruction of the invention from the prior art. In making this evaluation, the Examiner has the initial duty of supplying the factual basis for the rejection he advances. He may not, because he doubts that the invention is patentable, resort to speculation, unfounded assumptions or hindsight reconstruction to supply deficiencies in the factual basis. See In re Warner, 379 F.2d 1011, 154 U.S.P.Q. 173 (C.C.P.A. 1967).

The Examiner has adduced no factual basis in the record to support the position that it would have been obvious to use the Internet to modify Juran's quality methods in order to inexpensively store large amounts of data, and to allow instant and simultaneous access to the data. In Juran, the steps include the use of a database, but do not include selecting a vehicle program requirement from a library, selecting an information database containing information related to the design of the vehicle from the library, and determining if the information from the information database correlates with the program requirement. As such, how would one skilled in the art select a vehicle program requirement, select an information database related to the design of a vehicle, and determine if the information database and the vehicle program requirement correlate? As such, the Examiner's stated conclusion of obviousness is based on speculation and hindsight reconstruction of the claimed invention. The Examiner has not presented a prima facie case of obviousness. Therefore, it is respectfully submitted that the rejection under 35 U.S.C. § 103 is clearly wrong.

Accordingly, it is respectfully requested that the rejection of the pending claims be reversed and that the claims pending in the present application be allowed.

Respectfully submitted,

By: 
Daniel H. Bliss
Reg. No. 32,398

BLISS McGLYNN, P.C.
2075 W. Big Beaver Road
Suite 600
Troy, Michigan 48084
(248) 649-6090

Date: January 18, 2005

Attorney Docket No.: 0693.00199
Ford Disclosure No.: 199-1255



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit: 2123)
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Serial No.: 09/537,659)
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PRODUCT INFORMATION)
MANAGEMENT WITH VEHICLE)
DESIGN)

APPEAL BRIEF

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

By Notice of Appeal filed May 20, 2004, Applicants have appealed the Final Rejection dated February 20, 2004 and submit this brief in support of that appeal.

REAL PARTY IN INTEREST

The real party in interest is the Assignee, Ford Global Technologies, Inc.

RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences regarding the present application.

STATUS OF CLAIMS

Claims 1 through 16 have been rejected.

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